

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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21. April 2004

WV: / LF:

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year)

19-04-2004

Applicant's or agent's file reference

51011

REPLY DUE

within 60 days from
the above date of mailing

THU. 6.04
not 31.

International application No.

PCT/IB2002/02173

International filing date (day/month/year)

13-06-2002

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

H04Q 7/32

Applicant

Nokia Corporation et al

1. ☐ The written opinion established by the International Searching Authority:

☐ is

☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This (first, etc.) opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

PC: 170604
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05042e Nel

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is:

13-10-2004

Name and mailing address of the IPEA/SE

Patent- och registreringsverket
Box 5055
S-102 42 STOCKHOLM

Facsimile No. 46 8 667 72 88

Authorized officer

Peter Hedman/MN

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WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/IB2002/02173

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
pages 1-11 _____ as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
- ☒ the claims:
pages _____ as originally filed/furnished
pages 1-3 _____ as amended (together with any statement) under Article 19
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
- ☒ the drawings:
pages 2 _____ as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Box V

different priorities in accordance with what is suggested in claim 12 of the claimed invention. For this reason also independent claim 12 fails to describe a novel invention.

Claim 2 and 13 differs from D1 in that D1 fails to comprise an audio recording means.

The problem to be solved is therefore to incorporate an audio recording function into a mobile electronic unit.

Portable recording units are commonly known. To implement such a functionality into a mobile electronic audio device, such as the one described in D1 is considered obvious to a person skilled in the art, especially since distinctive use or way of implementation is suggested in either claim 2 or 13. Claim 2 and 13 therefore is novel, but fails to involve an inventive step.

Claim 3, 5, 6, and 14-17 only suggests details which are considered obvious in this particular context. Also claim 3, 5, 6, and 14-17 therefore fails to involve an inventive step.

In D1 the amplitude of music is adjusted in accordance with the incoming call announcing tone (See for example page 12, line 14-24; figure 2). What is claimed in claim 4 and 7 of the claimed invention therefore fails to involve an inventive step.

What is claimed in claim 8-11 is already known from D1. Claim 8 therefore fails to describe a novel invention.

What is claimed in claim 18-22 is also already known from D1. The method described in claim 18-22 therefore also fails to involve an inventive step.

WRITING OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/IB2002/02173

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 1 is not consistent as to whether the two signals mentioned in the claim are supposed to be continuous or not. On line 9 of claim 9 the two audio signals are described as "...said first and said second continuous audio signals...". Claim 1, however, initially refers to a first audio component for providing a first continuous audio signal and a second audio component for providing a second audio signal. I.e only the first audio signal is said to be continuous when first mentioned in the claim.